IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1368 OF 2005

Mrs. Lourdes B. Nihalani & Ors. ..Petitioners
V/s
The State of Maharashtra & Ors. ..Respondents.

Mr. Sanjeev Kadam with V.S.Jabra for the Petitioners.
Mr. G.W.Mattow AGP for the Respondent Nos.1 to 3.
Mr. Y.R.Naik for Intervenor.

CORAM: A.S.OKA,J.
(Vacation Judge)
DATE : 11.05.2005.

P.C.:

1. Learned counsel appearing for the Petitioners states that though remedy of preferring appeal against the impugned judgment and order dated 5th May 2005 is available, this Petition is filed in peculiar facts and circumstances of the case. He states that if the Petitioners are protected for a reasonable time, the Petitioners will prefer statutory appeal for challenging the said judgment and order. The prayer made by the learned counsel appearing for the Petitioners is opposed by Mr. Naik appearing for the intervenor. Learned AGP appearing for the Respondent Nos.1 and 3 on instructions of the concerned Officer states that order dated 5th May 2005 is not implemented and the administrator has not taken charge. He states that the Banks in which the Society concerned was having accounts have been informed about the said order.

2. The prayer made by the counsel appearing for the Petitioners is reasonable. Hence, I pass the following order:

: O R D E R :

i) Writ Petition is allowed to be withdrawn with liberty to prefer statutory appeal for challenging the judgment and order dated 5th May 2005.

ii) For a period of eight weeks from today the order dated 5th May 2005 shall not be implemented to enable the Petitioners to obtain appropriate interim relief from the Appellate Authority.

iii) All contentions on merits are kept open.

iv) Parties to act on an authenticated copy of this order.

(JUDGE)